

*Request Withdrawn  
May 23, 1995*

ORDINANCE NO. 1662

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE  
CITY OF EUREKA SPRINGS, ARKANSAS

WHEREAS, on the 13th day of February, 1995, there was presented to the County Court of Carroll County, Arkansas, a proper petition asking that certain real estate adjacent and contiguous to the City of Eureka Springs, Arkansas, be annexed to the City of Eureka Springs, Arkansas. The real estate is described as follows:

A tract of land situated in a portion of the North Half of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 14, Township 20 North, Range 26 West, Western District, Carroll County, Arkansas, more particularly described as follows: Beginning at the Northwest corner of the herein described tract from which the Southwest corner of the North Half of the Northeast Quarter of the Southeast Quarter bears South 00°12'33" West, 264.00 feet; thence leaving said point of beginning South 87°41'34" East, 990 feet; thence South 00°12'33" West 264.00 feet; thence North 87°41'34" West 823.74 feet to the centerline of Passion Play Road, said point being on a curve having a radius of 315.30 feet; thence along said curve to the left, 239.59 feet; thence North 00°12'33" East, 105.51 feet to the point of beginning, containing 5.613 acres, more or less, and being SUBJECT TO easements and rights-of-way of record.

The above described real property is shown as Tract A on plat of survey prepared by Donald M. Schaubert, Licensed Surveyor, filed for record in Plat Cabinet "C", Slide 69 in the Office of the Circuit Clerk and Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

WHEREAS, on the 21st day of March, 1995, the County Court of Carroll County, Arkansas, found that the statutory requirements with reference to annexation had been complied

with in full; that the petition and plat were in proper form and that the notices required by law had been properly given and on that date entered an order annexing the said real estate to the City of Eureka Springs, Arkansas.

WHEREAS, according to the statutes of the State of Arkansas, the said order was recorded by the County Clerk in County Record Book 14 at Pages 457-459, and no further action was taken for a period of thirty (30) days; that at the end of thirty (30) days, no protests of any sort by anyone had been filed against the action of the County Court therein.

WHEREAS, on this \_\_\_\_ day of \_\_\_\_\_, 1995, certified copies of the original order and the order confirming the annexation were filed with the City Clerk of the City of Eureka Springs, Arkansas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas:

Section 1: The above described real estate located in Carroll County, Arkansas, is hereby declared annexed to and incorporated into the City of Eureka Springs, Arkansas; that the map of said annexed territory attached to the certified copies of the order of annexation is hereby declared the map of the said annexed territory; that the said real estate is hereby declared to be in Ward \_\_\_\_ and all the inhabitants of the said annexed territory are declared to be citizens of Eureka Springs, Arkansas, and are entitled to all the

rights, privileges and benefits of the other citizens of the City of Eureka Springs, Arkansas.

Section 2: The City Council of the City of Eureka Springs, Arkansas, has found it to be essential to the health, safety and welfare of the City that Ordinance No. \_\_\_\_\_ take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. \_\_\_\_\_ shall be in full force and effect from and after its passage.

PASSED, ORDAINED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, on this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

APPROVED:

\_\_\_\_\_  
Barbara A. O'Harris  
Mayor

ATTEST:

\_\_\_\_\_  
Mary Ann Lee  
City Clerk

LAW OFFICES  
**EPLY, EPLY & FRANCE, LTD.**  
104 SPRING STREET  
P. O. DRAWER 470  
EUREKA SPRINGS, ARKANSAS 72632

LEWIS E. EPLY, JR.  
ALAN D. EPLY  
CONNIE S. FRANCE

TELEPHONE 253-8732  
AREA CODE 501

April 25, 1995

Ms. Mary Ann Lee  
City Clerk  
City of Eureka Springs  
44 South Main Street  
Eureka Springs, AR 72632

RE: Annexation - Catholic Diocese

Dear Mary Ann:

Enclosed are certified copies of the Order filed March 21, 1995; the Order of Confirmation filed April 24, 1995, and the plat of the area for filing. I have also enclosed a proposed Ordinance. Please fill in the dates of filing these orders and the appropriate ward number on page 2.

Would you put this on the agenda for the next council meeting and let me know the date of the meeting? Please advise me as to when the agenda meeting will be held.

Thank you for your assistance.

Sincerely yours,

EPLY, EPLY & FRANCE, LTD.



Lewis E. Epley, Jr.

LEEJR/p  
Enc.

Copy (letter only): Mr. George Christman